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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/081,203	02/25/2002	Tadataka Matsubayashi	500.41226X00	2859

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EXAMINER

FILIPCZYK, MARCIN R

ART UNIT PAPER NUMBER

2161

DATE MAILED: 03/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/081,203	MATSUBAYASHI ET AL.	
	Examiner	Art Unit	
	Marc R Filipczyk	2161	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11/22/04</u> . | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

This action is responsive to Applicant's response filed on November 22, 2004. Claims 1-9 have been amended and are pending.

To expedite the process of examination Examiner requests that all future correspondences in regard to overcoming prior art rejections or other issues (e.g. amendments, 35 U.S.C. 112, objections and the like) set forth by the Examiner that Applicants provide and link to the most specific page and line numbers of the disclosure where the best support is found (see 35 U.S.C. 132).

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 11/22/2004 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the IDS is being considered by the examiner.

Claim Rejections - 35 USC § 112

The following is a quotation of the **second** paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 1, 4 and 7, the segment, "compound characteristic word and the constituent characteristic words included in the compound characteristic word" is indefinite. Mathematically, if A=compound, and B=constituent, then $A=A+B$ is invalid unless $B=0$ which is not what is claimed.

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Regarding claims 2, 5 and 8, the phrase, "is registered" is indefinite. It is not clear what the term registered means in the claimed feature.

Regarding claims 2, 3, 5, 6, 8 and 9 depend from 1, 4 and 7 respectively, thus contain the deficiencies of those claims and any other deficiencies stated above.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-9 are rejected under 35 U.S.C. 102(b) as best as the Examiner is able to ascertain as being anticipated by Noguchi et al. (U.S. Number 5,991,755).

Regarding claims 1, 4 and 7 Noguchi discloses a similar document search method, system, and program for searching for a document similar to a specified (seeds) document, comprising (see abstract):

a document analyzer processor for extracting at least one characteristic word from the seeds document including desired retrieval contents (fig. 6, item 18, and col. 5, lines 46-49);

a characteristic word extractor processor (fig. 6, item 15) for extracting as characteristic words of the seeds document, if the characteristic word extracted by the document analyzer processor is a compound characteristic word constructed by a plurality of constituent

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characteristic words (col. 10, lines 8-16), the compound characteristic word and constituent characteristic words included in the characteristic word;

(Note 1: all the steps performed on registered documents are also performed on the seeds document, see col. 11, lines 1-4)

(Note 2: compound characteristic word constructed by a plurality of constituent characteristic words is interpreted as a sentence and words in the sentence, respectively)

a seeds document similarity calculator processor for calculating, according to the characteristic words extracted by the characteristic word extractor processor, similarity between the seeds document and a registration document and the document stored on the document database, by using the characteristic words including the compound characteristic word and the constituent characteristic words by which the compound characteristic word is constructed (fig. 6, item 22 and abstract); and

a retrieval result output processor for outputting a retrieval result as a result of the similarity calculated by the seeds document similarity calculator processor (fig. 6, item 17).

Regarding claims 2, 5 and 8, Noguchi discloses analyzing a compound characteristic word including a plurality of characteristic words (col. 10, lines 8-16).

Regarding claims 3, 6 and 9, Noguchi discloses a weighting coefficient and calculator for calculating similarity (fig. 6, item 23, col. 9, lines 22-35).

Response to Arguments

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Applicant's arguments filed on November 22, 2004 have been fully considered but they are not persuasive. The arguments and responses are listed above.

Applicant argues on page 8 of the 11/22/04 response, that various amendments were made to overcome indefinite issues raised in the Office Action.

Examiner disagrees. Most of the indefinite issues raised by the Examiner were not addressed by the Applicant, as such the rejections are outstanding.

Applicant argues on pages 9-12 of the 11/22/04 response, that most of the independent claim features are not taught or suggested by Noguchi or other prior art of record.

Examiner disagrees. In the rejection above, compound characteristic word constructed by a plurality of constituent characteristic words is further explained by the Examiner as a sentence and words in the sentence. Note, the extraction is obtaining and reading the sentence, and extraction further is breaking the sentence into words (see col. 5 lines 45-50 and 60-67). All the claimed features are disclosed by Noguchi and rejected accordingly, for more information please refer to the rejections above.

With respect to all the pending claims 1-9, Examiner respectfully traverses Applicant's assertion based on the discussion and rejection cited above.

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Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc R Filipczyk whose telephone number is (571) 272-4019. The examiner can normally be reached on Mon-Fri, 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on (571) 272-4023. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MF
March 10, 2005


FRANTZ COBY
PRIMARY EXAMINER